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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 03/26/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/680,709

**Applicant(s)**

ANAND ET AL.

**Examiner**

Andy S. Rao

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection as Paper 11 on 3/18/04. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/04 as Paper 9 has been entered.
2. Applicant's arguments with respect to amended claims 1-20 as filed in Paper 9 on 1/22/04 have been considered but are moot in view of the new ground(s) of rejection based on newly cited sections of the previously applied references.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Aharoni et al., (hereinafter referred to as "Aharoni").

Aharoni discloses a method of processing a video signal (Aharoni: figure 11) for transmission (Aharoni: column 6, lines 60-65) over a heterogeneous network (Aharoni: column 7, lines 24-35), the method comprising the steps of: coding the video in a progressive video

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coder (Aharoni: column 8, lines 52-64) so as to generate a progressive video bit stream (Aharoni: column 9, lines 52-65), wherein the progressive coded video bit stream is configured to be decodeable at any one of a series of increasing bit rates up to maximum bit rate (Aharoni: column 10, lines 50-65), depending on which of a number of corresponding portions of the progressive coded video bit stream area received by a decoder (Aharoni: column 9, lines 25-35), the portions being arranged within the progressive coded video bit stream in a predetermined sequence of increasing bit rates from an initial portion associated with a lowest one of the bit rates to a final portion associated with a highest one of the bit rate rates (Aharoni: column 11, lines 60-67; column 12, lines 1-20), and wherein each of the series of increasing bit rates produce progressively better reconstructed quality at an output of the decoder (Aharoni: column 8, lines 1-19); transmitting the progressive coded video bit stream over a first part of the heterogeneous network at a first one of the bit rates (Aharoni: column 11, lines 25-44); and selectively transmitting one or more of the portions of the progressive coded video bit stream from the first part of the heterogeneous network to a second part of the heterogeneous network (Aharoni: column 6, lines 45-50), the one or more portions being associated with a second one of the bit rates lower than the first bit rate (Aharoni: column 10, lines 50-64), the one or more portions and the associated second bit rate being selected based on at least in part on one or more of: an error detected in the transmission over the first part of the heterogeneous network (Aharoni: column 9, lines 35-67; column 10, lines 1-21); and a characteristic of the second part of the heterogeneous network (Aharoni: column 17, lines 40-67), as in claim 1.

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Regarding claim 2, Aharoni discloses that the progressive coded video bit stream corresponds to a given group of frames of the video signal (Aharoni: column 10, lines 20-50), as in the claim.

Regarding claim 3, Aharoni discloses that each of the corresponding portions is associated with a different bit rate (Aharoni: column 10, lines 52-60), as in the claim.

Regarding claim 4, Aharoni discloses that a subset of the corresponding portions are associated with different frame rates (Aharoni: column 7, lines 1-6), as in the claim.

Regarding claim 5, Aharoni discloses that a subset of the corresponding portion are associated with different spatial resolutions (Aharoni: column 7, lines 1-3), as in the claim.

Regarding claim 6, Aharoni discloses that a subset of the corresponding portions are associated with different signal-to-noise ratios (Aharoni: column 9, lines 57-67; column 10, lines 1-20), as in the claim.

Regarding claim 7, Aharoni discloses that the particular portions of the progressive coded video bit stream are received over the first part of the heterogeneous network determine a corresponding amount of the bit stream that will be transmitted over the second part of the heterogeneous network to the decoder for decoding a particular one of the series of increasing bit rates (Aharoni: column 13, lines 10-55), as in the claim.

Regarding claim 8-9, Aharoni discloses that the wired network connection comprises a wired Internet connection (Aharoni: column 6, lines 35-45), as in the claims.

Aharoni discloses an apparatus for use in processing a video signal (Aharoni: figures 1-2), the video signal being coded so as to generate a progressive video bit stream (Aharoni: column 9, lines 52-65), wherein the progressive coded video bit stream is configured to be

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decodeable at any one of a series of increasing bit rates up to maximum bit rate (Aharoni: column 10, lines 50-65), depending on which of a number of corresponding portions of the progressive coded video bit stream area received by a decoder (Aharoni: column 9, lines 25-35), and wherein each of the series of increasing bit rates produce progressively better reconstructed quality at an output of the decoder (Aharoni: column 8, lines 1-19), the progressive coded video bit stream being transmitted over a first part of the heterogeneous network at a first one of the bit rates (Aharoni: column 11, lines 25-44), the apparatus comprising: a network element coupled between the first part and the second part of the heterogeneous network (Aharoni: column 6, lines 45-55), the network element being operative to selectively transmitting one or more of the portions of the progressive coded video bit stream from the first part of the heterogeneous network to a second part of the heterogeneous network (Aharoni: column 6, lines 45-50), the one or more portions being associated with a second one of the bit rates lower than the first bit rate (Aharoni: column 10, lines 50-64), the one or more portions and the associated second bit rate being selected based on at least in part on one or more of: an error detected in the transmission over the first part of the heterogeneous network (Aharoni: column 9, lines 35-67; column 10, lines 1-21); and a characteristic of the second part of the heterogeneous network (Aharoni: column 17, lines 40-60), wherein the portions being arranged within the progressive coded video bit stream in a predetermined sequence of increasing bit rates from an initial portion associated with a lowest one of the bit rates to a final portion associated with a highest one of the bit rates (Aharoni: column 11, lines 60-67; column 12, lines 1-20); as in claim 10.

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Regarding claim 11, Aharoni discloses that the progressive coded video bit stream corresponds to a given group of frames of the video signal (Aharoni: column 10, lines 20-50), as in the claim.

Regarding claim 12, Aharoni discloses that each of the corresponding portions is associated with a different bit rate (Aharoni: column 10, lines 52-60), as in the claim.

Regarding claim 13, Aharoni discloses that a subset of the corresponding portions are associated with different frame rates (Aharoni: column 7, lines 1-6), as in the claim.

Regarding claim 14, Aharoni discloses that a subset of the corresponding portion are associated with different spatial resolutions (Aharoni: column 7, lines 1-3), as in the claim.

Regarding claim 15, Aharoni discloses that a subset of the corresponding portions are associated with different signal-to-noise ratios (Aharoni: column 9, lines 57-67; column 10, lines 1-20), as in the claim.

Regarding claim 16, Aharoni discloses that the particular portions of the progressive coded video bit stream are received over the first part of the heterogeneous network determine a corresponding amount of the bit stream that will be transmitted over the second part of the heterogeneous network to the decoder for decoding a particular one of the series of increasing bit rates (Aharoni: column 13, lines 10-55), as in the claim.

Regarding claim 17-18, Aharoni discloses that the wired network connection comprises a wired Internet connection (Aharoni: column 6, lines 35-45), as in the claims.

Aharoni a video transmission system (Aharoni: figures 1-2), comprising: a progressive coder operative to code a video signal so as to generate a progressive video bit stream (Aharoni: column 9, lines 52-65), wherein the progressive coded video bit stream is configured to be

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decodeable at any one of a series of increasing bit rates up to maximum bit rate (Aharoni: column 10, lines 50-65), depending on which of a number of corresponding portions of the progressive coded video bit stream area received by a decoder (Aharoni: column 9, lines 25-35), the portions being arranged within the progressive coded video bit stream in a predetermined sequence of increasing bit rates from an initial portion associated with a lowest one of the bit rates to a final portion associated with a highest one of the bit rate rates (Aharoni: column 11, lines 60-67; column 12, lines 1-20), and wherein each of the series of increasing bit rates produce progressively better reconstructed quality at an output of the decoder (Aharoni: column 8, lines 1-19); a heterogeneous network comprising at least a first part and a second part (Aharoni: column 7, lines 25-30), the progressive coded video bit stream being transmitted over a first part of the heterogeneous network at a first one of the bit rates (Aharoni: column 11, lines 25-44); and a network element coupled between the first part and the second part of the heterogeneous network (Aharoni: column 6, lines 45-55), the network element being operative to selectively transmitting one or more of the portions of the progressive coded video bit stream from the first part of the heterogeneous network to a second part of the heterogeneous network (Aharoni: column 6, lines 45-50), the one or more portions being associated with a second one of the bit rates lower than the first bit rate (Aharoni: column 10, lines 50-64), the one or more portions and the associated second bit rate being selected based on at least in part on one or more of: an error detected in the transmission over the first part of the heterogeneous network (Aharoni: column 9, lines 35-67; column 10, lines 1-21); and a characteristic of the second part of the heterogeneous network (Aharoni: column 17, lines 40-67), as in claim 20.



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aharoni et al., (hereinafter referred to "Aharoni") in view of Chou et al., (hereinafter referred to as "Chou").

Aharoni discloses processing a video signal (Aharoni: figures 1-2), the video signal being coded so as to generate a progressive video bit stream (Aharoni: column 9, lines 52-65), wherein the progressive coded video bit stream is configured to be decodeable at any one of a series of increasing bit rates up to maximum bit rate (Aharoni: column 10, lines 50-65), depending on which of a number of corresponding portions of the progressive coded video bit stream area received by a decoder (Aharoni: column 9, lines 25-35), the portions being arranged within the progressive coded video bit stream in a predetermined sequence of increasing bit rates from an initial portion associated with a lowest one of the bit rates to a final portion associated with a highest one of the bit rate rates (Aharoni: column 11, lines 60-67; column 12, lines 1-20), and wherein each of the series of increasing bit rates produce progressively better reconstructed quality at an output of the decoder (Aharoni: column 8, lines 1-19), the progressive coded video bit stream being transmitted over a first part of the heterogeneous network at a first one of the bit rates (Aharoni: column 11, lines 25-44); and implementing the step of selectively transmitting one or more of the portions of the progressive coded video bit stream from the first part of the heterogeneous network to a second part of the heterogeneous network (Aharoni: column 6, lines

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45-50), the one or more portions being associated with a second one of the bit rates lower than the first bit rate (Aharoni: column 10, lines 50-64), the one or more portions and the associated second bit rate being selected based on at least in part on one or more of: an error detected in the transmission over the first part of the heterogeneous network (Aharoni: column 9, lines 35-67; column 10, lines 1-21); and a characteristic of the second part of the heterogeneous network (Aharoni: column 17, lines 40-67), as in claim 19. However, even though Aharoni discloses the use of a computing system (Aharoni: column 7, lines 50-55), it fails to disclose an article of manufacture comprising a storage medium for storing one or more software programs for use in processing a video signal for transmission over a heterogeneous network, as in the claim. Chou discloses the well known methodology of implementing a video processing method by means of software routines stored on a computer readable medium (Chou: column 6, lines 10-35) in order to allow for video processing at remote sites (Chou: column 6, lines 40-45). Accordingly, given this teaching it would have been obvious one of ordinary skill in the art to incorporate Chou's teaching of software implementation with the Aharoni video processing system in order to allow for processing at remote sites. The Aharoni video processing system, now being modified to be implemented by software on a computer readable media as shown in Chou, has all of the features of claim 19.

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao  
Primary Examiner  
Art Unit 2613

ANDY RAO  
PRIMARY EXAMINER



asr  
March 25, 2004